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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/710,171	11/10/2000	Yitzhak Cohen	U013051-2	4973
140	7590	08/30/2004	EXAMINER	
LADAS & PARRY 26 WEST 61ST STREET NEW YORK, NY 10023			PATEL, HARESH N	
			ART UNIT	PAPER NUMBER
			2154	

DATE MAILED: 08/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/710,171

Applicant(s)

COHEN ET AL.

Examiner

Haresh Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1-30 are presented for examination.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yanagawa et. al. 5,535,407 (Hereafter Yanagawa) in view of Chen et. al. 6,195,694 (Hereafter Chen), as per paper number 6, dated 1/26/2004.

#### ***Response to Arguments***

4. Applicant's arguments filed 5/27/04 for the amended claims have been fully considered but they are not persuasive. Therefore, rejection of claims 1-30 is maintained.

Applicant argues (1) Yanagawa and Chen, either alone or in combination, do not disclose, "a configuration builder or a configuration building method useful in configuring software- containing hardware units which are serviced by a center which services a multiplicity of similar units, including functionality enabling configuration of at least one hardware unit by a configurer". The examiner disagrees in response to applicant's arguments. Yanagawa teaches use of a host computer, store controllers over the Internet, Kiosk terminals, Kiosk terminal central system (e.g., figures 1 and 2). Yanagawa also teaches the computer used to configure a Kiosk terminal central system in

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a store controller network (e.g., col., 2, line 56-col., 3, line 13) to service Kiosk terminals with information of the system handling the Kiosk terminals (e.g., col., 3, line 43 – col., 4, line 14). Chen teaches use of the application files or configuration sets by the server that serves for multiple kiosks on the network (e.g., figure 1, figure 4), use of an application to configure or reconfigure the kiosks, use of files in the configuration sets including control programs to control the local APIs of one or more of the devices on the kiosk (e.g., figure 6B, col., 3, lines 13-24), use of the devices (e.g., col., 4, lines 7-63) that are controlled to configure the kiosk to perform the application (e.g., col., 8, lines 1 – 54, col., 9, line 43 – col., 10, line 15). The combined teachings of Yanagawa and Chen would help facilitate configuration of a management center of the point of sale terminals. A system connected to the Internet can generate management center needed applications files. The system can send the configuration files to the remote management centers, which can store the configuration files in their databases and use them to configure the connected terminals. By generating configuration files from one system would eliminate configuring the management servers individually from their respective locations. Also last paragraph of page 10 of the specification, dated 11/10/200, states “It will be appreciated by persons skilled in the art that the present invention is not limited by what has been particularly shown and described hereinabove. Rather the scope of the present invention includes both combinations and subcombinations of the various features described hereinabove as well as variations and modifications which would occur...”. Therefore the rejection is maintained as disclosed above.

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Applicant argues (2) Yanagawa and Chen, either alone or in combination, do not disclose, "the configuration builder including functionality operative automatically in response to configuration of the at least one software containing hardware unit for correspondingly configuring the center". The examiner disagrees in response to applicant's arguments. Yanagawa teaches use of a host computer, store controllers over the Internet, Kiosk terminals, Kiosk terminal central system (e.g., figures 1 and 2). Yanagawa also teaches the computer used to configure a Kiosk terminal central system in a store controller network (e.g., col., 2, line 56-col., 3, line 13) to service Kiosk terminals with information of the system handling the Kiosk terminals (e.g., col., 3, line 43 – col., 4, line 14). Chen teaches use of the application files or configuration sets by the server that serves for multiple kiosks on the network (e.g., figure 1, figure 4), use of an application to configure or reconfigure the kiosks, use of files in the configuration sets including control programs to control the local APIs of one or more of the devices on the kiosk (e.g., figure 6B, col., 3, lines 13-24), use of the devices (e.g., col., 4, lines 7-63) that are controlled to configure the kiosk to perform the application (e.g., col., 8, lines 1 – 54, col., 9, line 43 – col., 10, line 15). The combined teachings of Yanagawa and Chen would help facilitate configuration of a management center of the point of sale terminals. A system connected to the Internet can generate management center needed applications files. The system can send the configuration files to the remote management centers, which can store the configuration files in their databases and use them to configure the connected terminals. By generating configuration files from one system would eliminate configuring the management servers individually from their respective locations. Also last paragraph of page 10 the specification, dated 11/10/200, states "It will be appreciated

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by persons skilled in the art that the present invention is not limited by what has been particularly shown and described hereinabove. Rather the scope of the present invention includes both combinations and subcombinations of the various features described hereinabove as well as variations and modifications which would occur...". Therefore the rejection is maintained as disclosed above.

Applicant argues (3) Yanagawa and Chen, either alone or in combination, do not disclose, "the configuration builder configuring specific software-containing hardware units, and correspondingly configuring the server". The examiner disagrees in response to applicant's arguments. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies "the configuration builder configuring specific software-containing hardware units, and correspondingly configuring the server" are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Therefore the rejection is maintained as disclosed above.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haresh Patel whose telephone number is (703) 605-5234. The examiner can normally be reached on Monday, Tuesday, Thursday and Friday from 10:00 am to 8:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee, can be reached at (703) 305-8498.

The appropriate fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Haresh Patel

August 23, 2004

 JOHN FOLLANSBEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100